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BEFORE THE ARIZONA CORPORATION COMMISSION  
Arizona Corporation Commission

DOCKETED

JUN 26 2002

WILLIAM A. MUNDELL  
CHAIRMAN  
JIM IRVIN  
COMMISSIONER  
MARC SPITZER  
COMMISSIONER

DOCKETED BY

IN THE MATTER OF THE APPLICATION OF  
SCOTT FERGUSON DBA CEN-TEX PAY  
TELEPHONE CO., INC. FOR A CERTIFICATE OF  
CONVENIENCE AND NECESSITY TO PROVIDE  
CUSTOMER-OWNED PAY TELEPHONE  
SERVICE IN THE STATE OF ARIZONA

DOCKET NO. T-04083A-02-0097

DECISION NO. 64985ORDER

Open Meeting  
June 25 and 26, 2002  
Phoenix, Arizona

**BY THE COMMISSION:**

Having considered the entire record herein and being fully advised in the premises, the Commission finds, concludes, and orders that:

**FINDINGS OF FACT**

1. On February 6, 2002, Scott Ferguson dba Cen-Tex Pay Telephone, Co., Inc. ("Applicant") filed with the Commission an application for a Certificate of Convenience and Necessity ("Certificate") to provide customer-owned pay telephone ("COPT") service in the State of Arizona.

2. In Decision No. 55817 (December 10, 1987), the Commission found that COPT providers were public service corporations subject to the jurisdiction of the Commission.

3. In Decision No. 57797 (April 8, 1992), the Commission adopted A.A.C. R14-2-901 through R14-2-909 to regulate COPT providers.

4. Decision No. 58535 (February 14, 1994) adopted a Generic Tariff that establishes rates and minimum service standards applicable to COPT service.

5. Pursuant to A.R.S. § 40-282, the Commission may issue Decisions regarding COPT Certificates without a hearing.

6. Applicant has requested that a Certificate be granted and has indicated that it will provide COPT service pursuant to the rates, terms and conditions specified in the Generic COPT

1 Tariff.

2 7. Applicant does not presently provide COPT services in Arizona.

3 8. On April 2, 2002, the Commission's Utilities Division Staff ("Staff") filed a Staff  
4 Report, recommending approval of the application without a hearing.

5 9. Staff stated that the Applicant has provided a copy of its customer information placard  
6 in compliance with the Generic Tariff.

7 10. Staff also stated that increased pay telephone availability is in the public interest.

8 **CONCLUSIONS OF LAW**

9 1. Applicant is a public service corporation within the meaning of Article XV of the  
10 Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

11 2. The Commission has jurisdiction over Applicant and the subject matter of the  
12 application.

13 3. The provision of COPT service in Arizona by Applicant is in the public interest.

14 4. Applicant is a fit and proper entity to receive a Certificate for providing COPT service  
15 in Arizona.

16 5. Staff's recommendation in Findings of Fact No. 8 is reasonable and should be  
17 adopted.

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ORDER

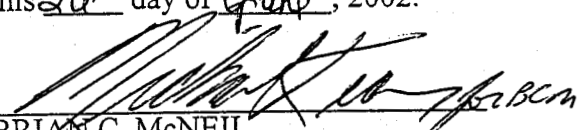
IT IS THEREFORE ORDERED that the Application of Scott Ferguson dba Cen-Tex Telephone Co., Inc. for a Certificate of Convenience and Necessity for authority to provide customer-owned pay telephone service in Arizona shall be, and the same is, hereby granted.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

  
CHAIRMAN  
COMMISSIONER  
COMMISSIONER

IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive Secretary of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this 26th day of June, 2002.

  
BRIAN C. McNEIL  
EXECUTIVE SECRETARY

DISSENT \_\_\_\_\_  
MES:dap

SERVICE LIST FOR:  
INC.

SCOTT FERGUSON DBA CEN-TEX TELEPHONE CO.,

DOCKET NO.:

T-04083A-02-0097

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